

HOUSE BILL 365

E1
HB 409/09 – JUD

0lr1786

By: **Delegates Anderson, G. Clagett, Conaway, DeBoy, Frank, Glenn, Ivey, Kelly, Levi, O'Donnell, Ramirez, Schuler, Shank, V. Turner, Valderrama, and Waldstreicher**

Introduced and read first time: January 28, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Assault – Law Enforcement Officers and Parole and**
3 **Probation Agents**

4 FOR the purpose of prohibiting a person from intentionally causing physical injury to
5 another if the person knows or has reason to know that the other is a parole or
6 probation agent engaged in performing the agent's official duties; establishing
7 penalties for a violation of this Act; increasing the penalty for the crime of
8 intentionally causing physical injury to another if the person knows or has
9 reason to know that the other is a law enforcement officer engaged in the
10 performance of the officer's official duties; and generally relating to assaults on
11 law enforcement officers and parole and probation agents.

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Law
14 Section 3–201
15 Annotated Code of Maryland
16 (2002 Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Law
19 Section 3–203
20 Annotated Code of Maryland
21 (2002 Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3–201.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) “Assault” means the crimes of assault, battery, and assault and battery,
4 which retain their judicially determined meanings.

5 (c) (1) “Law enforcement officer” has the meaning stated in § 3–101(e)(1)
6 of the Public Safety Article without application of § 3–101(e)(2).

7 (2) “Law enforcement officer” includes:

8 (i) a correctional officer at a correctional facility; and

9 (ii) an officer employed by the WMATA Metro Transit Police,
10 subject to the jurisdictional limitations under Article XVI, § 76 of the Washington
11 Metropolitan Area Transit Authority Compact, which is codified in § 10–204 of the
12 Transportation Article.

13 (d) “Serious physical injury” means physical injury that:

14 (1) creates a substantial risk of death; or

15 (2) causes permanent or protracted serious:

16 (i) disfigurement;

17 (ii) loss of the function of any bodily member or organ; or

18 (iii) impairment of the function of any bodily member or organ.

19 3–203.

20 (a) A person may not commit an assault.

21 (b) Except as provided in subsection (c) of this section, a person who violates
22 subsection (a) of this section is guilty of the misdemeanor of assault in the second
23 degree and on conviction is subject to imprisonment not exceeding 10 years or a fine
24 not exceeding \$2,500 or both.

25 (c) (1) In this subsection, “physical injury” means any impairment of
26 physical condition, excluding minor injuries.

27 (2) A person may not intentionally cause physical injury to another if
28 the person knows or has reason to know that the other is:

1 **(I)** a law enforcement officer engaged in the performance of the
2 officer's official duties; **OR**

3 **(II) A PAROLE OR PROBATION AGENT ENGAGED IN THE**
4 **PERFORMANCE OF THE AGENT'S OFFICIAL DUTIES.**

5 (3) A person who violates paragraph (2) of this subsection is guilty of
6 the felony of assault in the second degree and on conviction is subject to imprisonment
7 not exceeding [10] **15** years or a fine not exceeding [~~\$5,000~~] **\$10,000** or both.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2010.